Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
2000 Biennial Regulatory Review –	)	
Streamlining and Other Revisions of Part 25 of	)	IB Docket No. 00-248
the Commission's Rules Governing the	)	
Licensing of, and Spectrum Usage by, Satellite	)	
Network Earth Stations and Space Stations	)	

COMMENTS OF SES AMERICOM, INC.

SES Americom, Inc. ("SES Americom"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, hereby submits its comments in response to the Commission's Third Further Notice of Proposed Rulemaking ("*Notice*") in the above-captioned proceeding.[1]

SES Americom urges the Commission to maintain its existing policies permitting analog video transmissions. SES Americom and other satellite operators have decades of experience in successfully coordinating analog video services, which continue to play an important role in programming distribution. In light of this success, there is no justification for the proposal in the *Notice* to prohibit analog video services. The suggestions for new technical standards for analog video

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[1] *2000 Biennial Regulatory Review – Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations,* Sixth Report and Order and Third Further Notice of Proposed Rulemaking, IB Docket No. 00-248, FCC 05-62 (rel. Mar. 15, 2005).

services are also flawed and should be rejected. The current regulatory framework for analog video services is effective and should not be changed.

I. INTRODUCTION

SES Americom is a leading provider of satellite telecommunications. Since 1976, SES Americom (formerly GE American Communications, Inc.) has offered a wide variety of C-band and Ku-band satellite services to the public, including video and audio services to cable head-ends. Numerous customer-owned earth stations access the satellites of SES Americom directly, and millions of receive-only stations currently receive video and audio transmissions from service providers that utilize capacity on the fleet.

SES Americom commends the Commission for its efforts in this proceeding to update the rules for earth station licensing and operation. The much-needed reforms being adopted here will facilitate the introduction of state-of-the-art technology and further streamline application processing, reducing burdens on earth station applicants, satellite operators, and Commission staff.

SES Americom has participated actively in this proceeding both individually and through its involvement in the Satellite Industry Association ("SIA"). We fully support the comments being filed today by SIA in response to the *Notice*.[2] SES Americom files separately here to provide its views on one critical issue addressed by SIA – the Commission's request for comment on whether analog video operations should be terminated.

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[2] Comments of the Satellite Industry Association, IB Dkt. No. 00-248, Sept. 6, 2005 ("SIA Comments").

The Commission's proposal on this matter violates a basic and time-honored principle: "if it ain't broke, don't fix it." The *Notice* provides no evidence of interference events related to delivery of analog video today. In SES Americom's long experience, the Commission's current rules and the good faith coordination efforts of satellite operators have consistently worked to ensure that analog operations can co-exist with other services. Thus, the present regulatory regime should be viewed as a model of success, not a problem that requires a new solution.

Furthermore, the "solution" put forth in the *Notice* – the outright prohibition of analog video operations after a brief one-year transition period – would create hardships that outweigh any possible benefit. Although analog video usage has been declining as users transition to digital, analog services still represent a significant market segment, and the costs of an accelerated cut-over to digital equipment would be substantial. The alternative approaches suggested in the *Notice* for new technical standards are unworkable and should not be pursued.

In short, the Commission's existing rules and the cooperation of satellite operators have been and continue to be effective in managing the interference characteristics of analog video services. The inevitable transition to digital signals should be allowed to continue at its own pace – no new regulatory intervention is warranted.

II. NO CHANGE IS NEEDED IN COMMISSION POLICIES CONCERNING ANALOG VIDEO SIGNALS

The current system for accommodating analog video transmissions very clearly "ain't broke." The Commission must therefore reconsider the basic

premise in the *Notice* that any action is necessary with respect to analog video, especially in light of the significant costs that would be imposed on satellite users by creating an artificial deadline for completing the changeover to digital operations.

A. Current Practices for Analog Video Coordination Are Successful

SES Americom and other satellite operators have historically worked together to develop mutually-acceptable traffic loading on adjacent satellites, taking any analog video operations of either party into account. In one-on-one coordination discussions, the affected operators can negotiate arrangements tailored to each party's specific service and operational requirements. This procedure has proved to be effective time and again in producing agreements that meet the requirements of each operator.

The coordination process is facilitated by Commission technical requirements. The Part 25 rules specify minimum antenna sizes and maximum power levels for routine earth station licensing. Satellites in the C-band must conform to a polarization plan, and Commission rules specify the required center frequency for C-band analog video transmissions. These policies are designed to mitigate any issues relating to analog video operations and establish a framework for coordination discussions.

The effectiveness of the Commission's present regulatory regime for analog video is illustrated by the interleaved cable neighborhoods in the western portion of the U.S. arc. SES Americom's primary cable neighborhood resides aboard AMC-10 and AMC-11 at 135° W.L. and 131° W.L. These spacecraft are successors

to the Satcom cable neighborhoods that originated in the 1970's. In between these two spacecraft is PanAmSat's Galaxy 1R, which operates as part of the Galaxy cable neighborhood. All three satellites are used primarily for video distribution, a significant portion of which is still in analog format. These satellites or their predecessors have been operating in adjacent orbital locations for decades pursuant to agreements between the two operators.

In contrast, SES Americom is not aware of any situations in which adjacent operators have been unable to reach agreement to enable the use of analog video signals, and the *Notice* presents no evidence of unsuccessful attempts to coordinate analog video usage.

The Commission has a long-standing policy that unless there appear to be insurmountable problems, the Commission leaves coordination issues to be resolved by the parties.[3] The Commission has stated that placing the coordination burden on the affected parties is appropriate "because they are in the best position to determine the technical and economic tradeoffs inherent in reaching a coordination agreement." *Id*. Absent a showing of intractable difficulties, the Commission assumes that "with good faith efforts, the affected operators will be able to reach a coordination agreement." *Id.*

The case of analog video demonstrates the wisdom and effectiveness of this policy. Consistent with the Commission's expectations, satellite operators have

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[3] *See, e.g., GE American Communications, Inc.,* 15 FCC Rcd 19671 at ¶ 5 (Sat. & Radiocomm. Div. 2000), *citing Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, 5 FCC Rcd 179, 183 (1990).

been able to reach coordination agreements that accommodate analog video signals. Given this successful record, there is no reason for the Commission to change its approach.

B. Prohibiting Analog Video Is Completely Unwarranted and Would Impose Significant Hardship on Satellite Users

There is no justification for the Commission to adopt an artificial – and artificially short – deadline for the termination of all analog video operations. Despite the lack of any evidence suggesting that analog video signals represent a significant constraint today on satellite operations, the *Notice* suggests that analog video operations should be prohibited with no more than a year for transition to digital. *Notice* at ¶ 88. The Commission observes that "analog satellite transmissions are declining," so "rules for analog video may no longer be necessary." *Id*. at ¶ 87. The Commission also theorizes that prohibiting analog video "may result in more efficient spectrum use." *Id*.

The Commission is correct that analog video usage has been declining over the years, but it remains a significant part of the satellite service market. SES Americom expects that users will continue to convert services to digital as the savings on satellite capacity justify the cost of equipment conversion. Forcing an accelerated transition, however, is unwarranted. SES Americom understands from its video customers that the equipment costs of a digital switchover for an individual programming network could run into the tens of millions of dollars. These costs would not be balanced by any comparable benefits.

In particular, the Commission's reliance on increased spectrum efficiency as a rationale for prohibiting analog video is flawed for two reasons. First, any appropriate analysis of spectrum efficiency must be based on a holistic view of the communications network. In many cases, the analog video capability serves as a critical back-up for digital operations. Focusing solely on the analog piece of the network ignores the important role of redundancy in the overall efficiency of the system.

Second, the increased data rates available from digital transmission are precisely what is driving the changeover to digital that is already occurring, so any efficiency issue is effectively self-correcting. Users will continue to have economic incentives to transition to digital in order to save on transponder utilization costs. However, the Commission should continue to let the marketplace, not regulation, dictate the pace of this transition.

C. The Commission Should Not Apply an Off-Axis EIRP Envelope to Analog Video Transmissions

As an alternative to outright prohibition, the *Notice* suggests that the Commission could apply off-axis EIRP limits (either the ones it has proposed for other services or new ones to be developed) to analog video transmissions. *Notice* at ¶¶ 85-86. As discussed above, the current framework has been shown to be effective, so there is no reason to change the rules at all. In any event, the use of off-axis EIRP limits for analog video services is fundamentally flawed for the reasons set forth in the SIA Comments being filed today.

III. CONCLUSION

For the foregoing reasons, SES Americom urges the Commission to make no change to its policies and rules relating to analog video transmissions.

Respectfully submitted,

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September 6, 2005